

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PROPOSED
amendment of ARM 10.51.102)	AMENDMENT
relating to board membership)	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On May 10, 2004, the Board of Public Education proposes to amend ARM 10.51.102 relating to board membership and educator licensure.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on April 26, 2004 to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail smeloy@bpe.montana.edu.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

10.51.102 BOARD MEMBERSHIP (1) The board of public education consists of seven members appointed by the governor and confirmed by the senate. The governor, superintendent of public instruction and commissioner of higher education are ex officio non-voting members of the board. A student representative, selected ~~annually~~ by the Montana Association of ~~S~~student ~~C~~councils, also sits as a non-voting member of the board for a term not more than two years. In order to assure geographical and political representation on the board of public education, the law provides that not more than four of the seven board members may be from one congressional district or affiliated with the same political party. Board members elect a chairman and vice-chairman annually ~~in April~~.

AUTH: Sec. 2-15-1507, 2-15-1508, MCA
IMP: Sec. 2-15-1507, 2-15-1508, MCA

Statement of Reasonable Necessity: The Board of Public Education finds it reasonable and necessary to amend this rule to allow the student member and the Association of Student Councils more flexibility as to the time allowed for each term. Practice has shown, due to the complexity of educational issues that come before the Board of Public education, that 12 months may not be enough time for the student to learn those issues to an extent that maximizes their contributions. This rule will allow the Association of Student Councils the

flexibility to permit a student to serve two years if the appointment merits a full two-year term.

4. Concerned persons may present their data, views or arguments concerning the proposed amendment in writing to the Board of Public Education, P.O. Box 200601, Helena, MT 59620-0601 or by e-mail to smeloy@bpe.montana.edu to be received no later than 5:00 p.m. on May 6, 2004.

5. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to the Board of Public Education, P.O. Box 200601, Helena, MT 59620-0601, or by e-mail to smeloy@bpe.montana.edu. The comments must be received no later than 5:00 p.m. on May 6, 2004.

6. If the Board of Public Education receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 1,128 persons based on 11,280 students enrolled as juniors in high school in the State of Montana.

7. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding rules promulgated by the Superintendent of Public Instruction. Such written request may be mailed or delivered to the Board of Public Education, P.O. Box 200601, Helena, MT 59620-0601, faxed to the office at (406) 444-0847, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

8. The bill sponsor requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Kirk Miller
Dr. Kirk Miller, Chairperson
Board of Public Education

/s/ Steve Meloy
Steve Meloy, Rule Reviewer
Board of Public Education

Certified to the Secretary of State March 29, 2004.